



DEFENSE INTELLIGENCE AGENCY
WASHINGTON, DC 20340-5100

Instruction

Defense Intelligence Agency

DIAI 5400.005
19 NOV 2013
OPR: OCC

Prepublication Review of Information Prepared for Public Release

References:

- (a) DIA Instruction 5400.005, "Prepublication Review of Information Prepared for Public Release," 2 November 2011 (canceled)
- (b) Executive Order 12333, "United States Intelligence Activities," 4 December 1981, as amended
- (c) Executive Order 13526, "Classified National Security Information," 29 December 2009
- (d) DoD Directive 5230.09, "Clearance of DoD Information for Public Release," 22 August 2008
- (e) DoD Instruction 5230.29, "Security and Policy Review of DoD Information for Public Release," 8 January 2009
- (f) DIA Directive 5410.400, "Public Release of Defense Intelligence Agency (DIA) Information," 16 June 2009

1. Purpose.

1.1. Replaces Reference (a).

1.2. Establishes procedures and general guidelines for the Defense Intelligence Agency's (DIA) prepublication (security and policy) review program for unclassified information and material prepared for public release.

1.3. Does not pertain to the release of information under the Freedom of Information Act, release of official information in litigation or testimony by DIA personnel as witnesses, release of information in the furtherance of an approved cover activity, or requests for declassification of classified material or "classification reviews" to determine appropriate level of classification of information.

1.4. Applies to all DIA personnel (civilian, military, and contractor), whether the information is intended to be an official or non-official product. DIA combatant command personnel releasing official command products will comply with the policies and procedures of their respective command.

2. Definitions.

2.1. Information - Any communication or representation of knowledge, such as facts, data, or opinions in any medium or form including, but not limited to, papers, articles, manuscripts, brochures, pamphlets, any video or audio media, briefings (viewgraphs and text), or other oral presentations.

2.2. Official Department of Defense (DoD) information - All information which is in the custody and control of DoD, relates to information in the custody and control of the DoD, or was acquired by DoD employees as part of their official duties or because of their official status within the DoD.

2.3. DIA information - All information which is in the custody and control of DIA, relates to information in the custody and control of DIA, or was acquired by DIA employees as part of their official duties or because of their official status within DoD or the United States (U.S.) Intelligence Community. DIA information is a sub-category of DoD information.

2.4. Official product - Material which is prepared as part of one's official duties as a DIA employee or contractor acting in an official capacity.

2.5. Non-official product - Material which is prepared by a DIA employee or contractor as a private individual and who is not acting in an official capacity for DIA, DoD, or the U.S. Government.

3. Responsibilities.

3.1. The Deputy Director will be the decision authority for appeals of review determinations when forwarded by the Director of the Office of Corporate Communications (OCC).

3.2. OCC Prepublication Review must:

3.2.1. Manage, administer, and coordinate DIA's prepublication review program.

3.2.2. Develop the DIA position regarding releasability of information submitted for review.

3.2.3. Coordinate with and obtain any necessary review by DIA directorates and special offices with relevant subject matter expertise related to or equity in the information submitted for clearance in order to develop the DIA position regarding releasability.

3.2.4. Serve as the coordination point between DIA and the DoD Office of Prepublication and Security Review (DoD OPSR) on matters relating to the DIA and DoD security and policy review programs.

3.2.4.1. OCC Prepublication Review will be the portal through which DoD OPSR requests DIA review of and recommendations on information proposed for public release.

3.2.4.2. As required, OCC Prepublication Review will coordinate with DoD OPSR to obtain departmental review and clearance of information submitted by DIA directorates, special offices, and personnel.

3.2.5. Serve as the coordination point of contact between DIA and the respective prepublication review components of the Intelligence Community and other agencies.

3.2.5.1. When OCC Prepublication Review reviews submissions which involve the equities of another agency, OCC Prepublication Review will coordinate its review with that agency.

3.2.5.2. OCC Prepublication Review will be the portal through which these offices request DIA review of their material intended for public release.

3.3. Directorates, special offices, and integrated intelligence centers must:

3.3.1. Submit unclassified official information and products prepared and intended for public release to OCC Prepublication Review after review and approval by component's management chain of command.

3.3.2. Conduct policy and operations security (OPSEC) reviews of their official information prior to submitting the information to OCC Prepublication Review for prepublication review. OPSEC reviews are to be accomplished by the organization's designated OPSEC program manager or program coordinator, in coordination with appropriate subject matter experts, to redact OPSEC critical information and minimize or eliminate any OPSEC indicators.

3.3.3. Provide prompt guidance and assistance when OCC Prepublication Review seeks recommendations and requests review of information proposed for public release by:

3.3.3.1. Identifying information known to be classified or warranting classification;

3.3.3.2. Identifying information which, if publicly disclosed, would jeopardize DIA, DoD, or U.S. Government interests;

3.3.3.3. Providing explanation and rationale for any objections posed to release of information;

3.3.3.4. Providing acceptable substitute language, where practical, if information conflicts with DIA or DoD policies, programs, or regulations; and

3.3.3.5. Specifying needed changes in sufficient detail to enable the author to prepare a version suitable for unclassified public release.

3.4. DIA personnel and those who are obligated by contract or non-disclosure agreements must submit information and material prepared for public release to OCC Prepublication Review for review and clearance, regardless of whether the individual is acting in an official or non-official capacity; or will obtain guidance from OCC Prepublication Review on whether information is required to be submitted.

3.5. Following separation from DIA. In accordance with Reference (d), following separation from DIA, personnel will submit for review by OCC Prepublication Review or by DoD OPSR all information or materials intended for public disclosure, including works of fiction, pertaining to intelligence, military, defense, or national security matters which may be based upon official DoD information.

4. Procedures.

4.1. Information being released in any form (written, oral, or electronic) to the public must undergo prepublication (security and policy) review if the information pertains to or mentions intelligence data; intelligence activities; military matters; national security issues; foreign relations; policies or operations of DIA, DoD, the U.S. Intelligence Community, or the U.S. Government; subjects of significant concern to DIA or DoD; or any subject about which the author has had access to classified information during his or her affiliation with DIA or DoD.

4.1.1. See Reference (e) for further delineation of information requiring review.

4.1.2. Fictional material, if it meets the criteria in paragraphs 4.1 and 4.1.1, is subject to review, as works of fiction may be based upon or can be used to convey factual information.

4.1.3. Information intended for placement on publicly accessible websites, or other publicly accessible computer servers, requires review and clearance for public release if it meets the criteria above in paragraphs 4.1., 4.1.1., or 4.1.2.

4.2. Information is submitted to OCC Prepublication Review for review through two channels: internally, from DIA directorates, special offices, and employees; or externally, from DoD OPSR or other agencies.

4.3. Submissions from DIA directorates, special offices, integrated intelligence centers, or personnel.

4.3.1. Material submitted for review should be sent to OCC Prepublication Review using the following options:

4.3.1.1. Internal electronic mail (e-mail), Joint Worldwide Intelligence Communication System (JWICS):

(5)(3)-10-USC 424

(b)(3):10 USC 424

4.3.1.2. Hard copies may be submitted through internal DIA distribution.

(b)(3):10 USC 424 4.3.1.3. OCC Prepublication Review will accept unclassified information proposed for public release via Non-secure Internet Protocol Router Network (NIPRNet) only after the OPSEC review and when such information is time-sensitive and the only available option. Information should be public key infrastructure (PKI) encrypted, if applicable, during transmission.

4.3.2. Complete and forward the DIA Prepublication Review Request Form when submitting material for review to OCC Prepublication Review.

4.3.2.1. Official products intended for public release should be coordinated with those directorates and special offices which have equities in the material prior to submitting the product to OCC Prepublication Review. Personnel submitting official products must also obtain and indicate concurrence of their respective management chain approving the public disclosure of the product.

4.3.2.2. DIA personnel who are requesting review of material prepared in a non-official capacity must include a statement that the material submitted for review is derived from unclassified information and is, to the best of the submitter's knowledge, unclassified and appropriate for public disclosure.

4.3.3. Submissions to OCC Prepublication Review must be made prior to disclosing such information to anyone who is not authorized by DIA to have access to the material. Draft material prepared in a non-official capacity must be submitted for review at each stage of development prior to disclosing such information to anyone, such as a publisher, editor, co-author, or other member of the public, who does not have the requisite clearance and "need-to-know." This is intended to prevent comparison of different versions of the material, which could reveal items that have been deleted and determined not appropriate for public disclosure.

4.3.3.1. When personnel subject to the prepublication review requirement co-author a work, each version of the work submitted for prepublication review must clearly identify those portions of the work which were authored by the individual subject to the review requirement.

4.3.3.2. Where there is ambiguity concerning which individual wrote a section, DIA reserves the right to consider the section to be entirely written by the individual who is subject to the DIA prepublication review requirement.

4.3.4. Material submitted should be complete and include any slides, photographs, or other items to be used with the information. Notes, abstracts, or outlines will not be cleared as substitutes for a complete text. Briefings should include proposed text and remarks as well as viewgraphs and slides themselves. Abstracts to be published or presented in advance require

review for public release, although clearance of such an abstract will not obviate the requirement to submit the full text for clearance. Submitters are encouraged to submit completed works rather than chapters or portions of such works.

4.3.5. OCC Prepublication Review reviews the submission, obtains any necessary additional reviews by other DIA directorates or special offices, and determines DIA position regarding release.

4.3.5.1. If necessary, OCC Prepublication Review forwards the product or information to the DoD OPSR for formal departmental review, approval, and clearance, in accordance with Reference (e).

4.3.5.2. If necessary, OCC Prepublication Review forwards the product or information to other agencies whose equities are involved in the product for their review, approval, and clearance.

4.4. Review timelines. Submitters should allow OCC Prepublication Review a minimum of 10 working days for shorter items such as speeches, articles, and briefings that are non-technical in nature; 15 working days for material that is technical in nature; and 30 or more working days for lengthier or more complex items. These timelines are consistent with those of DoD and IC components and may be impacted by the extent to which material requires review by DoD OPSR or other agencies. Per DoD OPSR guidance, DIA review must be accomplished prior to obtaining DoD OPSR review and clearance.

4.5. Referrals from DoD OPSR or other agencies.

4.5.1. DoD OPSR or other agencies may refer material to DIA for review by OCC Prepublication Review. If it is determined additional review by DIA directorates or special offices is warranted, OCC Prepublication Review will task the appropriate DIA directorate or special office which has the relevant subject matter expertise to provide recommendations regarding public disclosure of information.

4.5.2. OCC Prepublication Review will develop and provide to DoD OPSR or other submitting agency the DIA position regarding release of information.

4.6. Review determinations and appeals.

4.6.1. After a full review of the material is completed, OCC Prepublication Review notifies the submitter of the results of the DIA review as follows:

4.6.1.1. Cleared for open publication. The information submitted for review may be released without restriction by the originating component. A disclaimer may be required to accompany the information. Additionally, "recommended" changes may be suggested. These changes are not binding on the author.

4.6.1.2. Cleared “as amended” for open publication. Amendments are binding on the submitter. Amendments may include the deletion of certain material or alternative wording of phrases and sentences.

4.6.1.3. Not cleared. The information submitted for review may not be released.

4.6.2. Although OCC Prepublication Review has no responsibility for correcting errors of fact or making editorial changes, obvious errors in the text may be identified and noted as amendments or “recommended” changes.

4.6.3. Authors who are required to amend or delete material may be required to re-submit revisions to OCC Prepublication Review for final review.

4.6.4. Appeals. Authors may request reconsideration and appeal all amendments or “not cleared” determinations. These should be in writing and offer justification or additional material to support publication.

4.6.4.1. Requests for reconsideration of determinations made by OCC Prepublication Review based on internal DIA review are to be in writing and submitted to OCC Prepublication Review.

4.6.4.2. OCC will forward the request and any additional documentation to those directorates or special offices which had objections to open publication of the product at issue.

4.6.4.3. The respective directorate’s or special office’s management chain will affirm or revise the determination regarding the material involving its equities, at the DISES or DISL level, and forward that recommendation to OCC Prepublication Review.

4.6.4.4. If the reconsideration is denied, the author then may appeal formally. The appeal should be in writing and, along with any supporting documentation, submitted to the Director of OCC.

4.6.4.5. The Director of OCC will consult with the Directorate and Special Office heads of the Agency components which have objections, and with other officials as appropriate.

4.6.4.6. As necessary, the Director of OCC will obtain Deputy Director decision regarding any appeal.

4.6.5. Appeals of decisions made by DoD OPSR are to be in writing and are to be addressed to the DoD OPSR, in accordance with Reference (e). Appeals may be submitted to OCC Prepublication Review for forwarding to DoD OPSR.

4.6.6. Appeals of decisions by other agencies are to be made in accordance with the guidance and established procedures of the respective agency.

4.7. In a non-official capacity.

4.7.1. DIA personnel may prepare information in a private and non-official capacity for disclosure in the public domain if such action:

4.7.1.1. Is not contrary to law;

4.7.1.2. Is consistent with proper ethical standards and is otherwise compatible with DIA standards of conduct;

4.7.1.3. Is not prepared during normal working hours or with the use of government facilities, property, or personnel;

4.7.1.4. Would reasonably not be expected to impair the author's performance of duties, interfere with the authorized functions of DIA or DoD, or have an adverse impact on the security or foreign relations of the U.S.;

4.7.1.5. Does not require commitments for drafts or manuscripts prior to the information being cleared; and

4.7.1.6. Does not use information unavailable to non-DoD personnel.

4.7.1.6.1. When an author asserts information intended for publication is already in the public domain, the author may be required to identify any open sources, to include official open sources, for that information and be requested to reference or cite the source of the information in a footnote.

4.7.1.6.2. Open-source information or citations may be disallowed under certain circumstances, such as when otherwise classified information appears in the public domain because of compromise or unauthorized disclosure, or when the author's DIA or DoD affiliation or position might confirm classified or OPSEC critical information.

4.7.2. DIA personnel must obtain their supervisor's concurrence prior to submission of material to OCC Prepublication Review.

4.7.2.1. Supervisory concurrence is to ensure the individual's supervisory chain has no concerns that the public disclosure would be expected to impair the performance of the individual's official duties or interfere with the authorized functions of DIA, as noted in paragraph 4.6.1.4.

4.7.2.2. Additionally, if the information pertains to the equities of the individual's office, supervisory concurrence indicates there are no objections to public disclosure

of the material itself.

4.8. In a DoD academic environment.

4.8.1. In the interest of academic freedom and the advancement of national defense-related concepts in the DoD school environment, students and faculty members of the National Intelligence University may prepare academic papers and manuscripts for open publication. They may express their views in such materials as long as those views do not disclose classified or OPSEC critical information or jeopardize DoD interests and the author accurately portrays official policy, even if the author takes issue with that policy.

4.8.1.1. Papers or other material prepared in response to academic requirements do not have to be submitted for review when they are not intended for release outside the academic institution.

4.8.1.2. Papers or other material is to be submitted for review and clearance if it is intended for public release or made available in libraries to which the public has access.

4.8.2. DIA personnel attending other DoD schools will submit to OCC Prepublication Review any material intended for public release or to be made available in libraries to which the public has access, unless OCC Prepublication Review defers to the review and clearance procedures of the respective DoD school being attended by DIA personnel.

4.9. In a non-DoD academic environment.

4.9.1. DIA personnel attending a non-DoD school in either an official or non-official capacity will submit for review and clearance any work or material intended for public release or which the school will make available in libraries or databases to which the public has access. Classroom work does not have to be submitted, however, if:

4.9.1.1. Classified information is not used, referenced, or divulged; and

4.9.1.2. Official information unavailable to the general public is not used.


4.9.2. DIA personnel teaching at a non-DoD school must submit their written instructional material for review and clearance if it includes classified or “for official use only” information. It is incumbent on the individual to ensure any classroom discussion or anecdotes of one’s experiences in or knowledge of the Intelligence Community or the DoD do not reveal classified or otherwise sensitive information.

4.10. Use of disclaimer.

4.10.1. Approval for public release of material prepared in a non-official, private capacity or in a DoD-academic environment does not represent DIA endorsement or verification

of the information. Such material may be required to carry a disclaimer.

4.10.2. An appropriate disclaimer is as follows: "The views expressed in this paper [article, briefing, manuscript] are those of the author and do not reflect the official policy or position of the Defense Intelligence Agency, the Department of Defense, or the United States Government."



MICHAEL T. FLYNN
Lieutenant General, USA
Director